IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 8061 of 2001

Between:

K.Y.N. Somayajulu, s/o. Sri Venkata Suryanarayana, Hindu,
r/o. Teachers' Colony, Mutyalampadu,
Vijayawada-11, Krishna District.

..... PETITIONER

AND

1 Vijayawada Municipal Corporation,

rep., by its Commissioner,
Vijayawada, Krishna District.

2 Kallepalli Venkatapathi Raju,

S/o. Sri Subbaraju, Hindu,
R/o. Vanapamulavari Street, Mutyalampadu,
Vijayawada-11, Krishna District.

3 Kallepalli Venkatarama Raju,

S/o. Sri Venkatapathiraju, Hindu
R/o. Vanapamulavari Street, Mutyalampadu,
Vijayawada-11, Krishna District.

4 Kallepalli Satyavathi,

W/o. Seetham, Hindu,
R/o. Teachers Colony, Mutyalampadu,
Vijayawada-11, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly a Writ of Mandamus, directing the

1st respondent Corporation not to interfere with the construction work being made by the Petitioner in accordance with the sanctioned plan bearing Rc.No.G3.BA.NO. 1923/2000 dated 27.12.2000, declaring their action as *ultra vires* the provisions of Articles 14 and 21 of the Constitution of India besides being violative of the mandatory provisions of the Hyderabad Municipal Corporation Act which is made applicable to the Vijayawada Municipal Corporation.

Counsel for the Petitioner: Mr. V.S.R.ANJANEYALU

Counsel for the Respondent No.1: Ms. G.JHANSI

The Court, at the stage of admission, made the following :

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ORDER:

This Writ Petition is filed seeking a Madamus declaring the action of the 1st respondent-Corporation, in interfering with the construction work being made by the Petitioner in accordance with law, as illegal and arbitrary.

2. Heard both sides.

3. As per the docket proceedings of this Court, it appears interim direction has been granted by an order,
dated 26-04-2001. In view of the same, no further orders are necessary in this writ petition.

4. Accordingly, the writ petition is disposed of. However, this order does not preclude the respondents-corporation to interfere with the construction, in accordance with law, if they feel that the petitioner is deviated from the sanctioned plan.

5. Accordingly, the writ Petition is disposed of. There shall be no order as to costs.

(DHARMA RAO ELIPE,J)

20th July, 2005.

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To

1 The Commissioner,

Vijayawada Municipal Corporation,

Vijayawada, Krishna District.

2 Two CD copies

3 One CC to Mr. ANJANEYALU

*Form-NIC-OGS/WP{**BDLNM**}*